

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F045577 **Time Warner Telecom, Inc. v. Superior Court, Kern; Anderson et al.**
F045761

Let a writ of mandate issue directing the Kern County Superior Court to vacate its order denying Time Warner Telecom, Inc.'s motion to quash service of summons in superior court case No. 247412-AEW and to enter a new order quashing service and dismissing the complaints against it. Levy, J.

We concur: Harris, Acting P.J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F045332 **Anderson et al. v. Time Warner Telecom of California, Inc.**

The judgment entered in favor of Time Warner Telecom of California, L.P. is affirmed. Costs on appeal are awarded to Time Warner Telecom of California, L.P. Levy, J.

We concur: Harris, Acting P.J.; Dawson, J.

[CERTIFIED FOR PUBLICATION]

F046432 **People v. Chavez**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F046432 People v. Chavez

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F045226 People v. Vidal

Let a writ of mandate issue directing the Superior Court of Tulare County to vacate its order of March 15, 2004, finding Vidal to be mentally retarded within the meaning of section 1376 and Atkins and precluding the People from seeking the death penalty, to reconsider the matter in light of this opinion, and to thereafter render a new decision either granting or denying Vidal's motion to preclude imposition of the death penalty pursuant to section 1376 and Atkins. The order filed in this court on April 12, 2004, staying trial court proceedings in this matter, shall remain in effect until this opinion is final in all courts of this state, the California Supreme Court grants a hearing herein, or respondent court complies with the directions in this opinion as stated above, whichever shall first occur. Ardaiz, P.J.

I concur: Vartabedian, J.;

I concur and dissent: Dawson, J.

(See concurring and dissenting opinion)

[CERTIFIED FOR PUBLICATION]

F047453 Klinke v. United Parcel Service Co.

F047622 Klinke v. Proctor

The above-entitled actions are ordered administratively consolidated subject to further order of this court on the issue.

F047804 Premier Trust et al. v. Morris et al.

Appellants having failed to perform the acts necessary to procure the record after the clerk of the trial court issued notice pursuant to the provisions of rule 8(a)(1), California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.